

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:

Barry Haywood

Debtors.

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CASE NO. 13-21360-JPK
Chapter 13

**OBJECTION TO PROOF OF CLAIM NO. 2
OF GREEN TREE SERVICING, LLC**

Comes now debtor, by his attorney Jonathan Petersen, and file his Objection to the Proof of Claim No. 2 of Green Tree Servicing, LLC ("Creditor") that was filed on May 28, 2013, and in support of their objection state as follows:

- 1) Creditor filed a Proof of Claim on May 28, 2013.
- 2) Creditor's Proof of Claim has insufficient attachments to ascertain the claimed amount of \$177,504.23. (See attached Mortgage Proof of Claim Attachment as Exhibit "A".)
- 3) If this matter were a deficiency as claimed by creditor, then a Judgment should be attached evidencing same.
- 4) Debtor disputes the amounts purportedly owed to creditor.

WHEREFORE, the Debtors pray that this Court issue an Order disallowing Creditor's claim or, in the alternative, modifying Creditor's claim to remove any claim for secured debt.

Date: June 18, 2013

By: /s/ Jonathan Petersen
Jonathan Petersen
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Munster, IN 46321
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Attorney for Debtor

CERTIFICATE OF SERVICE

I certify that on the 18th day of June, 2013 service of a true and complete copy of the above and foregoing pleading or paper was made upon each party or attorney of record herein by electronic transmission and pursuant to BRCP 3007(a) a true and complete copy of the above and foregoing was mailed USPS 1st class by depositing the same in the United States Mail in envelopes properly addressed to each of them and with sufficient first class postage affixed.

Office of the United States Trustee
100 E. Wayne Street
South Bend, IN 46601

Paul R. Chael, Trustee
401 W. 84th Drive, Ste. C
Merrillville, IN 46410

Green Tree Servicing, LLC
7340 S. Kyrene Rd. T-120
Tempe, AZ 85283

Office of the Indiana Attorney General
Indiana Government Center South
302 W. Washington St., 5th Floor
Indianapolis, IN 46204

Date: June 18, 2013

By: /s/ Jonathan Petersen
Attorney for Debtor

EXHIBIT A

B 10 (Official Form 10) (12/11)

Mortgage Proof of Claim Attachment

If you file a claim secured by a security interest in the debtor's principal residence, you must use this form as an attachment to your proof of claim. See Bankruptcy Rule 3001(c)(2).

Name of debtor: _____

Case number: _____

Name of creditor: _____

Last four digits of any number you
use to identify the debtor's account: _____

Part 1: Statement of Principal and Interest Due as of the Petition Date

Itemize the fees, expenses, and charges due on the claim as of the petition date (included in the Amount of Claim listed in Item 1 on the Proof of Claim form).

1. Principal due

(1) \$ _____

2. Interest due

Interest rate	From mm/dd/yyyy	To mm/dd/yyyy	Amount
_____ %	_____	_____	\$ _____
_____ %	_____	_____	\$ _____
_____ %	_____	_____	\$ _____

Total interest due as of the petition date

Copy total here ► (2) + \$ _____

3. Total principal and
interest due

(3) \$ _____

Part 2: Statement of Prepetition Fees, Expenses, and Charges

Itemize the fees, expenses, and charges due on the claim as of the petition date (included in the Amount of Claim listed in Item 1 on the Proof of Claim form).

Description	Dates Incurred	Amount
1. Late charges	_____	(1) \$ _____
2. Non-sufficient funds (NSF) fees	_____	(2) \$ _____
3. Attorney's fees	_____	(3) \$ _____
4. Filing fees and court costs	_____	(4) \$ _____
5. Advertisement costs	_____	(5) \$ _____
6. Sheriff/auctioneer fees	_____	(6) \$ _____
7. Title costs	_____	(7) \$ _____
8. Recording fees	_____	(8) \$ _____
9. Appraisal/broker's price opinion fees	_____	(9) \$ _____
10. Property inspection fees	_____	(10) \$ _____
11. Tax advances (non-escrow)	_____	(11) \$ _____
12. Insurance advances (non-escrow)	_____	(12) \$ _____
13. Escrow shortage or deficiency (Do not include amounts that are part of any installment payment listed in Part 3.)	_____	(13) \$ _____
14. Property preservation expenses. Specify: _____	_____	(14) \$ _____
15. Other. Specify: _____	_____	(15) \$ _____
16. Other. Specify: _____	_____	(16) \$ _____
17. Other. Specify: _____	_____	(17) +\$ _____
18. Total prepetition fees, expenses, and charges. Add all of the amounts listed above.		(18) \$ _____

EXHIBIT

A

Part 3. Statement of Amount Necessary to Cure Default as of the Petition Date

Does the installment payment amount include an escrow deposit?

☐ No

☐ Yes Attach to the Proof of Claim form an escrow account statement prepared as of the petition date in a form consistent with applicable bankruptcy law.

1. Installment payments due

Date last payment received by creditor

mm/dd/yyyy

Number of installment payments due

(1)

2. Amount of installment payments due

_____ installments @

\$ _____

_____ installments @

\$ _____

_____ installments @

+ \$ _____

\$ _____

Total installment payments due as of the petition date

Copy total here ► (2) \$ _____

3. Calculation of cure amount

Add total prepetition fees, expenses, and charges

Copy total from

Part 2 here ► + \$ _____

Subtract total of unapplied funds (funds received but not credited to account)

- \$ _____

Subtract amounts for which debtor is entitled to a refund

- \$ _____

Total amount necessary to cure default as of the petition date

(3) \$ _____

Copy total onto Item 4 of Proof of Claim form